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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
ZIM AMERICAN INTEGRATED
SHIPPING SERVICES, INC.,

Plaintiff,

-against-

CARIBBEAN-AMERICAN PROGRAM
FOR EMPOWERMENT (USA), INC.,

Defendant.
-----x

MEMORANDUM AND ORDER

Case No. 06-CV-6629 (FB) (MDG)

Appearances:

For the Plaintiff:

ALBERT J. AVALLONE, ESQ.
Albert J. Avallone & Associates
551 Fifth Avenue, Suite 1701
New York, New York 10176

BLOCK, Senior District Judge:


On September 12, 2007, Magistrate Judge Go issued a Report and Recommendation ("R&R") recommending that a default judgment of \$2,906.00, plus \$572.40 in pre-judgment interest and \$590.00 in costs, be entered in favor of plaintiff and against defendant. The R&R recited that "[a]ny objections to this Report and Recommendation must be electronically filed . . . by September 27, 2007," and that "[f]ailure to file objections within the specified time waives the right to appeal." R&R at 5-6. A copy of the R&R was sent to defendant's last known address by overnight mail, *see id.* at 5; to date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas*

v. Arn, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will excuse the failure to object, however, and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. See *Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). Here, nothing in the R&R suggests plain error. Accordingly, the Court adopts the R&R without *de novo* review.

SO ORDERED.

/signed/


FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
September 28, 2007